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|---|---------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/560,411  | 05/01/2006    | Roland Oehmann       | 7742.3018.001       | 5479             |
| 23399   | 7590          | 06/09/2010           | EXAMINER            |                  |
| REISING ETHINGTON P.C.<br>P O BOX 4390<br>TROY, MI 48099-4390 |               |                      | PATEL, VINOD D      |                  |
| ART UNIT  | PAPER NUMBER  |                      |                     |                  |
|   | 3742          |                      |                     |                  |
| MAIL DATE   | DELIVERY MODE |                      |                     |                  |
| 06/09/2010  | PAPER         |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/560,411 | <b>Applicant(s)</b><br>OEHMANN, ROLAND |
|                              | <b>Examiner</b><br>Vinod D. Patel    | <b>Art Unit</b><br>3742                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on **24 May 2010**.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) **3-10** is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) **3-10** is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/24/09 has been entered.

#### ***Arguments/Amendments***

2. Applicant's arguments/amendments have been fully considered but they are not persuasive as for the following reason:
3. The text of those sections of Title 35, U.S. Code not included in this section can be found in the previous office action.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 10 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonardi et al. (US2002/0171954) in view of Miller (US6227689) or Furst et al. (6347880) or Miller (US6582109) or Pastrick et al. (US5669699).

With respect to claims 10 and 3, Bonardi et al. discloses a vehicle outside mirror module (200) comprising a mirror glass (14) defining a front side, a back side and a mirror glass edge extending thereabout, said front side defining a plane; a heating foil (206) flexibly configured on the back side (14b) of said mirror glass provided with power supply points (208) and including tabs (222) projecting out and away from said back side (Figure 5) around said mirror glass edge and through said plane defined by said front side of mirror glass, said heating foil receiving at least one heating element (flexible circuit board having electric heater element tracings printed on the front side of the circuit board (paragraph[0053]) and at least one lighting source (220) disposed on one side of tabs (222) that extend beyond said mirror edge and across said plane defined by said front side and at least one additional power supply point (paragraph[0053]), "an electrical connector plug 208 is provided on the rear surface of circuit board 206 for mating connection with a corresponding plug 210 extending from a wire harness 212 of the vehicle for selectively applying power to the heater circuit that is printed on the front surface of circuit board 206. Connector plug 208, as well as corresponding plug 210 and harness 212, may also be utilized to provide power and/or control signals to a turn signal indicator 220 as well as power or other control signals to the electrochromic mirror".) integrated on said heating foil (206) having conductive

tracks extending between said light source and said additional power points, said conductive tracks providing current such that said light source has at least light exit surface.

Bonardi et al. does not disclose a light source having one main light exit surface whose spectral centroid lies forward of said plane of said front surface and the mirror glass edge.

This is considered as relocation/reversal of parts as evidenced by Miller or Furst et al. or Miller or Pastrick et al. The relocation/reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 11950).

Miller or Furst et al. or Miller or Pastrick et al. discloses a vehicle outside mirror comprising a tab long enough that they project over said front side and a light source having one main light exit surface whose spectral centroid lies forward of said plane of said front surface and the mirror glass edge as shown in the Figures.

It would have been obvious to one of ordinary skilled in the art to provide tabs projecting over the mirror glass beyond mirror glass edge, lighting disposed on one of the tabs beyond the mirror edge are for receiving the lighting means in order to provide indicator light as taught by Miller or Furst et al. or Miller or Pastrick et al. for the device of Bonardi et al.

With respect to claim 4, the mirror glass is clamped in between a mirror glass support and a mirror glass frame, secured to said support, embracing the mirror glass on its front side as shown in Fig. 5.

With respect to claim 5, the mirror glass frame exhibits a ring-shaped hollow chamber leading along the edge of the mirror as shown in Figure 5.

With respect to claim 6, the tabs (215a) of the heating foil (206) equipped with said light source (220) are configured to exactly form-fit inside of the hollow chamber.

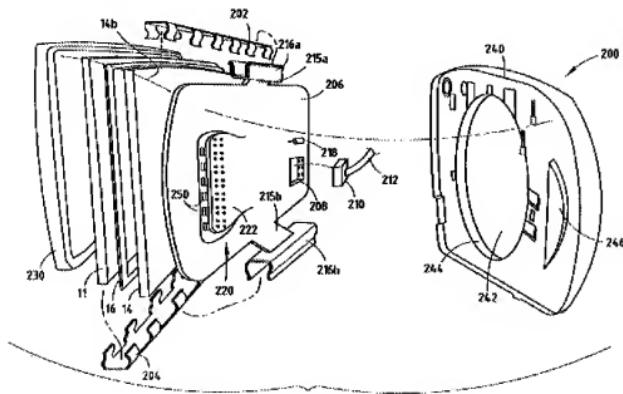


Fig. 5

Patent Application Publication Nov. 21, 2002 Sheet 4 of 11

US 2002/0171954 A1

With respect to claims 7, Bonardi et al. discloses electrically conductive tracings may be printed on printed circuit board/ heating foil (206) which act as a heating element.

With respect to claim 8, Bonardi et al. discloses electrically conductive tracings may be printed on printed circuit board/ heating foil (206) leading to said light source is designed as resistor wire.

With respect to claim 9, Bonardi et al. discloses the lighting source (220) are a light emitting diode or a group of light emitting diodes on which a light wave guide is formed.

#### REMARKS

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The combination of prior art is proper because, (a) Combining prior art elements according to known methods to yield predictable results; (b) Simple substitution of one known element for another to obtain predictable results; (c) Use of known technique to improve similar devices (methods, or products) in the same way; (d) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (e) " Obvious to try " – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (f) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art; (g) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is (571)272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinod D. Patel/ 6/4/10  
Examiner, Art Unit 3742

/Shawntina Fuqua/ 6/6/10  
Primary Examiner, Art Unit 3742